

§ 1948.83

(1) Appropriateness of Rural Development assistance under this section as called for in the plans;

(2) Appropriateness of Rural Development assistance under other programs as called for in the plans;

(3) Appropriateness of the State Investment Strategy for Energy Impacted Areas;

(4) Other Federal programs which could be used instead of, or in addition to, assistance under this section; and

(5) Recommended action.

(g) The Rural Development State Director shall submit all plans received from the Governor, the State Investment Strategy Energy Impacted Areas, and any comments to the Rural Development National Office for approval within 10 days of the submission of plans and the State Investment Strategies for Energy Impacted Areas to the State Director.

(h) The Rural Development National Office shall review all plans and State Investment Strategy for Energy Impacted Areas received and approve or return them for modification within 30 days of their receipt in the Rural Development National Office.

(i) The Rural Development State Office shall notify the appropriate State Director of all plans that have been approved by the Under Secretary for Rural Development.

(j) Upon approval of the plans and State Investment Strategies for Energy Impacted Areas by the Under Secretary for Rural Development, the Rural Development State Director may exercise the authority of the Secretary of Agriculture under Section 603 of the Rural Development Act of 1972 to convene a meeting of the appropriate representatives of all Federal and State agencies which are requested to supply development funds by the State Investment Strategy for Energy Impacted Areas for the purpose of obtaining tentative funding commitments consistent with their authorities.

(k) The Rural Development State Office shall notify the Governor and the appropriate District Directors of all plans approved by the Under Secretary for Rural Development.

(l) Modifications to approved plans shall be approved by the Under Sec-

7 CFR Ch. XVIII (1-1-21 Edition)

retary for Rural Development following the above procedure.

(m) The Governor's modification to the State Investment Strategy for Energy Impacted Areas may be approved by the Rural Development State Director provided the modification is consistent with Rural Development approved plans.

§ 1948.83 Performance of site development work.

Site development work will be done in accordance with §1942.18 of RD Instruction 1942-A.

§ 1948.84 Application procedure for site development and acquisition grants.

(a) For those projects for which Federal funding is sought in excess of \$100,000 the applicant shall file SF 424.2, "Application for Federal Assistance (For Construction)" with the appropriate Rural Development office. For those projects for which Federal funding is sought for less than \$100,000, the applicant shall file SF 424.2 with the appropriate Rural Development office. A copy should also be filed with the Governor's office of the appropriate State.

(b) The Rural Development office receiving a SF 424.2 shall reply to the applicant within 45 calendar days regarding the applicant's eligibility to compete for funding under this program using Form AD-622. (Rural Development District offices will send each preapplication to the Rural Development State Offices for review before replying to the applicant. Rural Development District offices will send a copy of Form AD-622 to the Rural Development State Office at the time the Form AD-622 is sent to the applicant.)

(c) Intergovernmental consultation should be carried out in accordance with 7 CFR part 3015 subpart V, "Intergovernmental Review of Department of Agriculture Programs and Activities". (See RD Instruction 1970-I, 'Intergovernmental Review,' available in any Agency office or on the Agency's Web site.)

(d) Applicants shall file an original and one copy of SF 424.2, with the appropriate Rural Development office. Local governments and councils of

local government shall submit applications to the Rural Development District Office and State governments to the Rural Development State Office. Applications shall include:

(1) Evidence of applicant's legal existence and authority to undertake the proposed project;

(2) Evidence of ownership of or lease on a site to be developed or "Options to Purchase Real Property," Form RD 440-34, (Lease on a site for a public facility will be in accordance with FmHA Instruction 1942-A and lease on a site for housing will be in accordance with 7 CFR part 3550);

(3) Description of project and relationship to approved growth management and housing plan. Applicant must cite pages and section of the approved plan;

(4) A plat of the area including elevations;

(5) Preliminary plans and specifications on proposed development which will contain an estimate of the projected cost of site development prepared by independent qualified appraisers or architects/engineers;

(6) The amount of Federal grant needed;

(7) The amount and source of applicant's financial contribution to the project;

(8) Grants made under this subpart must comply with the environmental review requirements in accordance with 7 CFR part 1970.

(9) An original and one copy of Form RD 400-1 and Form RD 400-4;

(10) Evidence that the land is stable if the land has been previously mined (include relevant data on soil and analysis);

(11) Assurance that the requirements set forth in title 7, subtitle A, part 21 of the Code of Federal Regulations (Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970) have been met.

(12) Specific concurrence of the Governor if the proposed applicant is neither a council of local governments nor a general purpose political subdivision of a State;

(e) District and State Rural Development Offices receiving applications shall:

(1) Determine if the project is in accordance with a Rural Development approved growth management and/or housing plan covering the approved designated area;

(2) Comply with environmental review requirements in accordance with 7 CFR part 1970;

(3) Prepare a Historic Preservation Assessment in accordance with part 1901, subpart F, of this chapter;

(4) Determine site stability if the land has been previously mined; and

(f) District Rural Development Offices receiving applications shall also provide written comments reflecting site development and acquisition grant selection criteria (§1948.86) listed in this subpart.

(g) The Rural Development District Office shall forward the original of the application and accompanying documents including those required in paragraph (e) of this section to the Rural Development State Director within 10 working days of receipt of the application.

(h) Upon receipt of an application, the Rural Development State Office shall:

(1) Review and evaluate the application and accompanying documents;

(2) Determine that the project is a part of and consistent with the State Investment Strategy for Energy Impacted Areas;

(3) Send a copy of the applicant's evidence of legal existence and authority to the USDA Regional OGC for review;

(4) If applicant is local government(s), consult with the Governor on funding recommendation of the project; and

(5) Respond to the applicant within 30 days of the date of receipt of the application.

(i) Upon receipt of an application by the Rural Development State Office, a docket shall be prepared which shall include the following:

(1) Application SF 424.2 and enclosures;

(2) Any comments received in accordance with 7 CFR part 3015 subpart V, "Intergovernmental Review of Department of Agriculture Programs and Activities". (See RD Instruction 1970-I, 'Intergovernmental Review,' available

§ 1948.85

7 CFR Ch. XVIII (1–1–21 Edition)

in any Agency office or on the Agency's Web site.)

(3) Evidence of ownership or lease of site to be developed;

(4) Evidence of applicant's legal existence and authority;

(5) OGC legal determination;

(6) Preliminary plans and specifications concerning the proposed development;

(7) Grant agreement and scope of work;

(8) An estimate of projected cost of site development prepared by independent qualified appraisers or engineers/architects;

(9) A topographical map of the area;

(10) Form RD 1940–1;

(11) Form RD 400–1;

(12) Form RD 400–4;

(13) Environmental review documentation in accordance with 7 CFR part 1970.

(14) Historic Preservation Assessment;

(15) A copy of the State Investment for Energy Areas; and

(16) District, where appropriate, and State Rural Development written comments, assessments and analysis of the proposed project in accordance with the grant selection criteria.

[44 FR 35984, June 19, 1979, as amended at 46 FR 61991, Dec. 21, 1981; 48 FR 29121, June 24, 1983; 49 FR 3764, Jan. 30, 1984; 55 FR 13503, 13504, Apr. 11, 1990; 67 FR 78329, Dec. 24, 2002; 76 FR 80731, Dec. 27, 2011; 81 FR 11032, Mar. 2, 2016]

§ 1948.85 [Reserved]

§ 1948.86 Site development and acquisition grant selection criteria.

The following criteria will be considered in the selection of site development and/or acquisition grant recipients:

(a) *Required criteria.* Each project must meet the following criteria:

(1) The area is covered by a Rural Development approved plan;

(2) The Rural Development approved plan specifically calls for the site development and/or acquisition;

(3) Other Federal funds that the community could receive for the project are inadequate or not available, and no State or local funds for site development are available to permit development on a timely basis;

(4) The site is to be developed and/or acquired and is to be used for housing, public facilities, or services;

(5) The applicant has title to the site, lease on site, or an option on the site and funds to purchase the site, or is applying for site acquisition funds;

(6) The site will comply with Executive Orders 11988, "Flood Plain Management" and 11990, "Protection of Wetlands;"

(7) An appraisal of the fair market value of the site must have been completed;

(8) Priority has been given in the selection of site to unoccupied or previously mined land;

(9) Class I or Class II farm land was included in the site only if other suitable land was not available;

(10) The land is stable if previously mined; and

(11) Assurance that the requirements set forth in title 7, subtitle A, part 21 of the Code of Federal Regulations (Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970) have been met.

(b) *Competitive criteria.* The following criteria will be considered in the selection of grantees:

(1) Priority assigned and recommended funding level by the Governor in the State Investment Strategy for Energy Impacted Areas;

(2) The increase in the number of new employees and the percentage of increase in employment in coal and/or uranium development activities in the year of designation within the approved designated area (years projected will be averaged and treated equally);

(3) The severity of need for housing, public facilities, services that has resulted from coal or uranium development activities in relation to available financial resources within the approved designated area covered by the plan calling for the project;

(4) Local priority for the project;

(5) The amount of effort by State and local government to meet the needs of the area covered by the application as called for in the State Investment Strategy for Energy Impacted Areas in relation to available financial resources;

(6) An assessment of the environmental impacts of the project; and